

## **Reflections on change, ethnicity and conflict: Family and ethnic violence in Papua New Guinea**

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### **Background**

The problem that is crippling development in Papua New Guinea was articulated recently by the Speaker of the National Parliament, the Hon. Bernard Narokobi, when he was launching the UNDP 2000 Human Development Report (UNDP 2000):

Papua New Guinea suffers from a culture of violence which abuses all known human rights . . . [these] abuses often occur outside the accepted legal order, sometimes coinciding with wrong political and cultural practices that [are] now accepted as a way of life.

This is the worrying reality now facing Papua New Guinea: violence and destruction of property have become the common response to conflict situations. This culture of violence sees women getting beaten to death without redress and property being burnt and destroyed in blind payback as people take the law into their own hands. There is increasing frustration at many levels over the inability of the justice system to cope with the enormous complexities of the situation.

To try to understand these complexities, we need to look to our past and our present. I would contend that missionary influence and colonial impact, although well-intentioned and dedicated, had a disempowering effect in many areas. People found that they were no longer truly in control of their lives and a feeling of dependence developed. On top of that has been both the positive and negative impact of Western culture and technology and the growing concern about unmanaged globalisation.

It is 25 years since Papua New Guinea's independence and the enactment of our Constitution. Sadly, we are a long way from achieving the ideals in the Preamble, considering the complexities of:

- a nation of over 800 different languages and tribal groups;
- a nation that is entering the world of modern science and technology in one gigantic leap from technologies based on stone, wood, and shell implements;
- a nation in which traditional, subsistence villages are coming face to face with the bulldozers of globalisation;
- a nation faced with the difficult task of marrying worthy customs and traditional wisdoms of over 800 tribes with the values and customs of foreign cultures; and
- a nation with a widening gap between rich and poor, with growing health and education needs, and with law and order problems.

Since Independence, many people have been progressively marginalised as population increase outstripped the nation's capacity to provide formal education. The pressure on the education system has been building up for many years and stems from the dilemma about how to provide a relevant education for many different sections of society, each with different needs and expectations. In my low-income urban electorate, this is an area of major concern for me:

Firstly, there are approximately 85% of the population who will remain in their own communities. Their major source of employment will be their own subsistence and small community based commercial enterprises. The second group is the 15% or so who will find formal employment in the slowly increasing government, business and

service industries. Further to those two major groups there are the small number of children, who, like those from any other country in the world, have the ability to perform at top international standards. It is vitally important that this group, however small, continue to receive the education that they require to fully realise their potential. The final group is the small but growing number of landless urban youth who are alienated from their village links yet have no prospects of formal employment. This is the group that poses the greatest potential for political instability. It is often argued that the increasing law and order problem in the country, in particular in Port Moresby, has been caused by the inability of the education system to adequately cater for this group of people. (Government of Papua New Guinea, 1999 p.13)

## ***Violence and the Constitution***

In the past two decades, family violence, particularly violence against women, has been recognised as a major human rights issue. In June 1993, the World Conference on Human Rights recognised gender based violence as incompatible with the dignity and worth of the human person. In December 1993, the UN General Assembly proclaimed the Declaration on the Elimination of Violence Against Women. Domestic violence is not just a Papua New Guinean, or developing country, issue. It is a human rights issue, affecting women, men and children worldwide, that each society must deal with in its own cultural context.

Any form of violence is clearly contrary to the spirit of the PNG Constitution:

- The Preamble states that 'we reject violence and seek consensus as a means of solving our common problems'.
- Section 1 states that the first goal of the National Goals and Directive Principles shall be for 'every person to be dynamically involved in the process of freeing himself or herself from every form of domination or oppression so that each man or woman will have the opportunity to develop as a whole person in relationship with others'.
- Goal No. 2(12) affirms 'recognition of the principles that a complete relationship in marriage rests upon equality of rights and duties of the partners and that responsible parenthood is based on that equality'.
- Under Section 55(1), 'all citizens have the same rights, privileges, obligations, and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion, or sex'.
- Section 36(1) provides that no person shall be submitted 'to treatment or punishment (whether physical or mental) that is cruel or otherwise inhuman, or is inconsistent with respect for the inherent dignity of the human person'.
- Schedule 2.1(2) states that a custom which is inconsistent with the Constitution or a statute, or is 'repugnant to the general principles of humanity . . . shall not be applied or enforced'.

That is the answer that must be stated very loudly and very clearly to people who excuse violent behaviour by saying '*pasin bilong* Papua New Guinea' or '*ita eda kara*' (PNG way). The Constitution was framed by the Founding Fathers to protect *all* human rights. In theory, it is more powerful than customary law.

Theory and reality are very different, however, and the reality is that violence and conflict have become major problems in our homes, villages and urban areas. It must be stressed, though, that there are marked differences between ethnic groups and between rural and urban areas.

Anecdotal evidence and limited research indicate an increase in wife beating, child abuse, and rape (including marital rape), in line with the general increase of violence in society. There is a need for much more research (both quantitative and qualitative) so that we can gain a better understanding of the changing nature and incidence of

violence, as a basis for policy formulation and for planning interventions that will reverse this worrying trend.

### ***Possible causes of increasing domestic violence***

Causal analysis is difficult when it has to be based on anecdotal evidence, as is the case with a lot of family violence, but there are several likely contributing factors:

- Abuse of custom: Brideprice was traditionally an exchange of wealth between clans or tribes which established mutual obligations and 'protocols'. In many areas, it was actually a protection for women but nowadays it is a commercialised transaction that can turn them into mere chattels to be bought. Polygamy has become serial marriage in many places, with women and children being the victims, often of physical violence. And *pasin bilong yumi* is being used to sanction male dominance.
- Breakdown of traditional protective customs: Women (for example, senior aunts) used to act as peacemakers but are now rarely used in conflict resolution; chaperoning is disappearing; and peacemaking customs within extended families (for example, *badu hereva*) are breaking down.
- Introduction of mass media with too much violence.
- Alcohol and drugs.
- Frustration, anger and resentment/jealousy.
- Inability of present structures and procedures to deal with the situation in a restorative way.
- Continuing attitudes of male dominance and differential rates of social change.
- Increasing rapid urbanisation that dislocates people.

### ***Progress in dealing with domestic violence***

In the early 1980s, domestic violence was recognised as a matter of public importance and the then Minister for Justice, Tony Bais MP, asked the Law Reform Commission to report to him on the issue. A lot of research and work was undertaken and the commission's final report (Report No. 14) was presented to Narokobi (then Minister for Justice) in 1992. The ten-year period was marked by some excellent public awareness campaigns, extensive surveys and proposed amendments to existing legislation. The Domestic Violence Report made 54 recommendations.

Unfortunately, since then the momentum has slowed. The legislative as well as the social recommendations of the original report have recently been reviewed. But neither review has yet been to parliament, although one of my recommended legislative amendments has been passed as a private member's bill.

The YWCA is playing a very strong advocacy role and, with assistance from various donor agencies, has been conducting public forums and other activities to raise awareness of the worrying levels of violence. These are gaining good media coverage and are undoubtedly having a subtle influence on public thinking.

As one of the activities to commemorate Papua New Guinea's Silver Jubilee in September, a two-day workshop on domestic violence was held, with the aim of coordinating all the past workshops, reports and activities into a more integrated approach to deal with the problem. This workshop, instigated by the Institute of National Affairs, was funded with help from the British High Commission and AusAID. Its report is not yet ready, but follow-up preparation of an action plan is receiving funding assistance from the British High Commission and possibly other sources. It should be successful in moving the whole issue forward, because it is running parallel with and in consultation with bureaucratic developments but is NGO, church and private sector driven.

## ***Proposed domestic violence legislation***

A submission concerning the legislative recommendations of the Domestic Violence Report has been prepared by the Law Reform Commission for the minister to take to cabinet. It is anticipated that this will be enacted as government legislation in the near future.

A private member's bill from Narokobi (when Leader of the Opposition) proposed making polygamy in any form illegal. This bill has now been taken up by the Hon. Stephen Pokawin since the original sponsor became Speaker. However, I believe it is unlikely to be passed in its present form for a variety of reasons.

I have a private member's bill on child sexual abuse, plus some amendments to the present legislation on rape, in preparation for review and further amendments before it goes to parliament.

My amendment to the Village Court Act, making it mandatory for each village court to include at least one female village magistrate, was unanimously passed in July 2000. It now needs to be publicised through the women's networks so that they can lobby for its implementation on the ground.

## ***Violence in communities***

Narokobi's contention that Papua New Guinea suffers from all forms of violence is certainly true in the capital city of Port Moresby. Besides family violence, the rapidly increasing urban population is faced with the violence of 'rascalism', based in a youth gang culture, and with the tensions of ethnic violence, based in customary responses to conflict situations. It cannot be denied that containing the escalating breakdown in law and order is perhaps our greatest challenge to sustainable development.

The situation we are facing is largely a result of many years of what I call the 'violence of neglect', which has left people frustrated, disempowered and increasingly poorer. This violence of neglect is not something that I will develop here, except to state the urgent need for integrated and comprehensive community based development programmes designed for maximum impact at minimum cost. It is going to need a gigantic effort at both the community level, to break the cargo-cult dependency syndrome that has developed, and at the political and bureaucratic level, to make decision making and service delivery responsive to people's real needs and accountable to principles of good governance.

### ***'Rascalism'***

Youth gang subcultures have been a reality in Papua New Guinea, particularly Port Moresby, for over two decades. They are perhaps a by-product of the inability of the system to provide education opportunities for all. They began as a nuisance, with gangs claiming 'territorial areas' and sustaining themselves through criminal activity. They have grown to become highly organised and sometimes ruthlessly violent gangs, who basically hold everyone to ransom through the atmosphere of fear that now permeates society.

Papua New Guinea is a young nation and it is a nation made up of young people. Youth make up almost half of our population and until we address this reality effectively, in terms of ensuring opportunities and a sense of hope, we will be sharpening only one side of a double-edged sword. There is no point in planning policies for peace if we do not address the violence of neglect.

During my visit to Bomana prison for Independence celebrations, the prisoners, most of whom are youth, spoke frankly and honestly of their belief that Papua New Guinea has two sets of laws in terms of implementation nowadays. They were rightly critical of the fact that some leaders have 'stolen' large sums of public money by

misappropriation and mismanagement for pure greed, whereas people stealing for survival are treated very harshly.

The reality for most youth in PNG is well expressed in this poem:

One world, two worlds, And I stand in between.

Old world and new world, I am your divided child.

It is a reality that has serious implications for the mental health of our youth, who create their own fantasy world with false empowerment from abuse of alcohol and drugs (mainly marijuana) combined with guns and violence.

### ***Changing nature of ethnic violence***

There is no one country in Papua New Guinea . . . There are hundreds of countries in Papua New Guinea and we are trying to make them into one great country.

Tribal fighting was the traditional response to conflict between groups in Papua New Guinea. Whereas the longer 'pacifying' influence of missionaries and colonial rule in coastal areas brought a virtual end to tribal fighting, in the Highlands region it remains a major problem in many areas.

With the increasing rural-to-urban drift, ethnic enclaves are developing throughout Port Moresby, and tribal customary law is regularly imposed outside the parameters of the legal system, sometimes blatantly ignoring the basic principles of universal justice that are needed in a cosmopolitan city.

The difficulty lies not in the new ideas but in escaping from the old ones, which ramify, for those brought up as most of us have been, into every corner of our minds. This difficulty is compounded by the fact that what is practised now is a new version of old customs. Tribal and clan fighting was traditionally regulated and stage-managed by adherence to strict rules imposed by the elders. Nowadays, the elders cannot control situations, the rules are being ignored and high-powered weapons have been introduced to tribal fighting, with money and politics having a big influence.

During debate on the passage of the Intergroup Fighting (Amendment) Bill in March 2000, the seriousness of the situation to human life and to stopping the development process was well illustrated by many MPs. Baki Reipa, Kainantu MP, described the harsh reality of tribal fighting in part of his electorate:

- about 40 people have been killed in the ongoing conflict;
- K470,000 of electorate development funds allocated to assist police is still insufficient to deal with the situation;
- several schools have been closed;
- the only health centre has been closed;
- the Okapa road has been closed;
- women are dying in childbirth and children are dying of preventable diseases because there is no access to medical help; and
- there are continuing problems with gun trading.

Some Highlands MPs have called for greater regional control on law and order enforcement to allow for public hangings in lawless situations.

In urban electorates such as mine, the incidence of ethnic clashes and senseless killings and destruction of property is growing with the increased rate of unmanaged urbanisation. Recently, we had serious incidents in three different communities. I spent all afternoon in one community in my electorate in an attempt to defuse the volatile situation but felt complete frustration over the inadequacies of the formal legal system to deal with such situations. It prompted me to ask a Question Without Notice in parliament, emphasising the need for us to address the problems of the conflict between custom and the law in tribal clashes.

On a positive note, however, on the same day, the Minister for Justice presented to parliament a progressive policy document from the law and justice sector. It has some excellent recommendations on restorative justice. I hope that these recommendations will receive both political and bureaucratic support and the necessary resource allocations for implementation. Without genuine support from the state to communities, there is little hope of turning the tide of violence and the breakdown in law and order in Papua New Guinea. This policy document on restorative justice is a major step forward.

## ***Peacemaking policies***

It is important to take a multisectoral, integrated approach in developing peacemaking policies, because the issues involved are extremely complex and the law enforcement agencies cannot be expected to deal with all of them. I make a few general suggestions:

- Training for transformation in communities and developing principles of good governance at all levels of society must be pivotal in the whole process of peacemaking – peace and good governance are two sides of one coin.
- Comprehensive community based programmes for individual and community empowerment and sustainable development must be part of the process. Civil society must break free from the dependency syndrome and introduce community strengthening and capacity building. The violence of neglect must be reversed – peacemaking and poverty reduction through empowerment are two sides of another coin.
- The peacemaking process must be inclusive and the role of women and youth must be clearly defined, mainstreamed and visible.

It is important to note that a lot of good work is being done. Many churches have established social concerns committees, and several NGOs are working in urban settlements and villages. PEACE Foundation Melanesia, for example, has been running courses on people skills, conflict resolution, and community planning.

Maxine Pitts emphasises the necessity for both informal and formal methods of crime control:

In view of public expressions concerning crime, I conclude that the control of crime in PNG is not just a 'social' issue as politicians suggest. It is more a leadership issue which links with resource equity and availability. I also conclude that informal methods of crime control which preserve human rights will not work in isolation from state controls and that to be sustained they need a variety of state services and other resources. Universally, citizens want their leaders to lead and create order. PNG citizens admire strength and consistency in those leaders who have the courage of their convictions, high moral codes of behaviour and provide visions that translate into practical benefits.

My research points repeatedly to the fact that informal methods of crime control will be enhanced when the public sector is diligent in basic administrative practice and are supported by politicians in their efforts . . . In a transparent environment I believe resources will increase to communities and PNG citizens will have greater incentive to maintain social order and become enthusiastic practitioners of crime control strategies that respect shared values and beliefs and link with state driven initiatives to preserve human rights. (Pitts 1999)

## ***Conclusion***

Although our Constitution states that 'we reject violence and seek consensus as a means of solving our common problems', we seem to be further from that ideal than ever before:

Our challenge is to move forward from articulating the ideals in the Constitution and from juridical legal postulates of 'thou shalt nots', to a vision of hope, a set of values all of us will cherish as dear to our hearts . . . A massive national campaign to persuade everyone to accept human rights as a statement of faith and hope is most urgent.

We must urgently face the fact that British common law, which was imposed and which is in fact inappropriate and *not* common, is a superficial veneer that has worn thin. We must develop an acceptable Melanesian common law, based in custom but adhering to universally accepted principles of human rights and justice.

This is a complex and difficult issue, because facts become confused with emotions in any volatile situation and because commonsense and reason are often forgotten. But it is an issue that must be addressed at all levels of society because, as long as there is conflict in our communities, the processes of sustainable development cannot take place.

## ***References***

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